

THE CITY OF POMONA

Office of the City Clerk

MARIE MICHEL MACIAS, CMC
City Clerk

July 30, 2008



Los Angeles County Board of Supervisors
Ms. Sachi A. Hamai, Executive Officer
Kenneth Hahn Hall of Administration
500 W. Temple Street, Room 383
Los Angeles, California 90012

RE: Additional Election Services for the City of Pomona General Municipal Election on
November 4, 2008

Dear Ms. Hamai,

On June 26, 2008, we provided you with certified copies of resolutions adopted by the Pomona City Council calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 4, 2008, and requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a General Municipal Election to be held on Tuesday, November 4, 2008.

On July 21, 2008, the City Council adopted Resolution No. 2008-87 ordering the submission to the qualified electors of the City of Pomona a certain initiative measure relating to the enactment of a temporary increase in the City's Utility Users Tax by one percent at the General Municipal Election to be held on Tuesday, November 4, 2008, as called by Resolution No. 2008-62 (previously sent to you). In addition, the City Council adopted Resolution No. 2008-88 setting priorities for filing written arguments regarding a City measure, providing for the filing of rebuttal arguments, and directing the City Attorney to prepare an impartial analysis.

We have enclosed certified copies of Resolutions 2008-87 and 2008-88 for inclusion of one measure to the ballot for the upcoming General Municipal Election for the City of Pomona.

Your prompt response to this request would be greatly appreciated. Please don't hesitate to contact the City Clerk's Office at (909) 620-2341 should you have any questions.

Very truly yours,

Marie Michel Macias, MMC
City Clerk

/mm

Enclosures

RESOLUTION NO. 2008-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF POMONA A CERTAIN INITIATIVE MEASURE RELATING TO THE ENACTMENT OF A TEMPORARY INCREASE IN THE CITY OF POMONA UTILITY USERS TAX (UUT) BY ONE PERCENT, AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, AS CALLED BY RESOLUTION NO. 2008-62.

WHEREAS, a General Municipal Election on Tuesday, November 4, 2008 has been called by Resolution No. 2008-62, adopted on June 16, 2008; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to the enactment of a temporary increase in the City of Pomona Utility Users Tax (UUT) by one percent;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Should a temporary two years and two months Utility Users Tax (UUT) rate increase be enacted in the City of Pomona in the amount of one percent (1.0%) for Citywide improvements and services from nine percent (9.0%) to ten percent (10%)?	YES NO
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SECTION 2. That the proposed initiative measure submitted to the voters is attached as Exhibit A.

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 5. That the City Clerk shall attest and certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

This document is a full, true and correct copy of the original on file in the Pomona City Clerks Office.

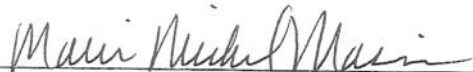
ATTEST:

Marie Michelle Macias
City of Pomona City Clerk

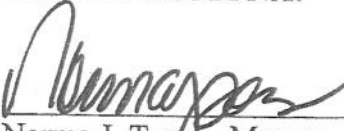
Res. No. 2008-87, Pgs 1-2 and Exhibit "A"

APPROVED AND ADOPTED THIS 21ST DAY OF JULY 2008.

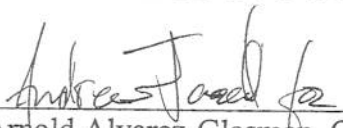
ATTEST:


Marie Michel Macias, City Clerk

CITY OF POMONA:


Norma J. Torres, Mayor

APPROVED AS TO FORM:


Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 21st day of July, 2008 by the following vote:

AYES: COUNCILMEMBERS: Hunter, Rodriguez, Carrizosa, Lantz, Rothman, Atchley, Torres
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None



Marie Michel Macias, City Clerk

EXHIBIT "A"

ORDINANCE NO.

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF POMONA
ENACTING "THE POMONA UTILITY TAX TEMPORARY
INCREASE MEASURE," WHICH INCREASES THE CITY OF
POMONA UTILITY USERS TAX BY ONE PERCENT (1%) FOR A
PERIOD OF TWO YEARS AND TWO MONTHS**

WHEREAS, "The Pomona Utility Users Tax Temporary Increase Measure" was approved by a majority of the voters voting at the General Municipal Election held on November 4, 2008;

WHEREAS, the enactment of the temporary one percent (1%) increase from nine percent (9%) to ten percent (10%) to the Utility Users' Tax will provide funding for Citywide services, such as streets and sidewalk repairs, park maintenance and programs and public safety services;

WHEREAS, residential utility users who are legally disabled, senior citizens or low-income families are exempt from the one percent (1%) increase to the Utility Users' Tax;

WHEREAS, at the conclusion of the two-year and two-month period during which the increase is in effect, the City of Pomona Utility Users' Tax rate will revert from ten percent (10%) to (9%), the same rate that was in effect prior to the enactment of this Ordinance; and

WHEREAS, at the conclusion of the two-year and two-month period during which the increase is in effect, exemptions from payment of the Utility Users' Tax for legally disabled and senior citizens will expire but will continue to be available to low-income households.

**NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF
THE CITY OF POMONA AS FOLLOWS:**

SECTION 1. Pomona City Code Sections 50-203, 50-204, 50-205 and 50-218 are hereby amended as follows:

Sec. 50-203. Telephone users tax.

(a) There is hereby imposed a tax upon every person in the city using telephone communication services, including services for intrastate, interstate, or international calls, and using any teletypewriter exchange services in the city. The term "charges," as used in this section, includes charges made for (i) telephone service; and (ii) minimum charges

for service, including customer charges, demand charges, standby charges, and annual and monthly charges. The tax imposed by this section shall be as follows:

(1) Residential users: nine percent, effective January 1, 1997.

(2) Commercial/industrial users: nine percent, effective January 1, 1997.

(3) Effective December 11, 2008, or as soon thereafter as legally and practically possible ("Effective Date"), an additional one percent (1%) tax shall be imposed upon both residential and commercial/industrial users, resulting in the rate of ten percent (10%). The additional one percent (1%) tax shall terminate twenty-six (26) months from the Effective Date, returning the rate to nine percent (9%).

(b) As used in this section, the term "charges" shall not include charges for services paid for by inserting coins in coin-operated telephones, except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due.

(c) The tax imposed in this section shall be collected from the service user by the person providing the telephone communication services or the teletypewriter exchange services. The amount of tax collected in the month must be received by the city treasurer on or before the 20th day of the following month. The duty to collect the tax based on a measure including charges for interstate and international communication services or interstate and international teletypewriter exchange services shall commence with the first regular billing period of each service user ending on or after the effective date of the ordinance from which this section is derived. Notwithstanding subsection (a) of this section, the tax imposed under this section shall not be imposed upon any person for using intrastate telephone communications services to the extent that the amounts paid for such services are exempt from or not subject to the tax imposed under section 4251 of title 26 of the United States Code, as such section existed on November 1, 1967.

Sec. 50-204. Electricity users tax.

(a) There is imposed a tax upon every person in the city using electrical energy in the city. The tax imposed by this section shall be at the following rates of percentage of the charges made for such energy and shall be paid by the person paying for such energy. The term "charges," as used in this section, includes charges made for (i) metered energy; and (ii) minimum charges for service, including customer charges, service charges, demand charges, standby charges, and annual and monthly charges. The tax imposed by this section shall be as follows:

(1) Residential users: nine percent, effective January 1, 1997.

(2) Commercial/industrial users: nine percent, effective January 1, 1997.

(3) Effective December 11, 2008, or as soon thereafter as legally and practically possible ("Effective Date"), an additional one percent (1%) tax shall be imposed upon both residential and commercial/industrial users, resulting in the rate of ten percent (10%). The additional one percent (1%) tax shall terminate twenty-six (26) months from the Effective Date, returning the tax rate to nine percent (9%).

(b) As used in this section, the term "using electrical energy" shall not mean the storage of such energy by a person in a battery owned or possessed by him for use in an automobile or other machinery or device apart from the premises upon which the energy was received; provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries; nor shall the term include the mere receiving of such energy by an electric public utility or governmental agency at a point within the city for resale.

(c) The tax imposed in this section shall be collected from the service user by the person supplying such energy. The amount of tax collected in one month shall be remitted to the city treasurer on or before the 20th day of the following month.

Sec. 50-205. Gas users tax.

(a) There is imposed a tax upon every person in the city using gas in the city. The tax imposed by this section shall be at the following rates of percentage of the charges made for such gas and shall be paid by the person paying for such gas. The term "charges," as used in this section, includes charges made for (i) metered gas; and (ii) minimum charges for service, including customer charges, service charges, demand charges, standby charges, and annual and monthly charges. The tax imposed by this section shall be as follows:

(1) Residential users: nine percent, effective January 1, 1997.

(2) Commercial/industrial users: nine percent, effective January 1, 1997.

(3) Effective December 11, 2008, or as soon thereafter as legally and practically possible ("Effective Date"), an additional one percent (1%) tax shall be imposed upon both residential and commercial/industrial users, resulting in the rate of ten percent (10%). The additional one percent (1%) tax shall terminate twenty-six (26) months from the Effective Date, returning the tax rate to nine percent (9%).

(b) There shall be excluded from the base on which the tax imposed in this section is computed charges made:

(1) For gas which is to be resold and delivered through mains or pipes;

(2) For gas sold for use in the generation of electrical energy by a public utility or a governmental agency; and

(3) By a gas public utility for gas used and consumed in the conduct of the business of gas public utilities.

(c) The tax imposed in this section shall be collected from the service user by the person selling the gas. The amount collected in one month shall be remitted to the city treasurer on or before the 20th day of the following month.

Sec. 50-206. Water users tax.

(a) There is imposed a tax upon every person in the city using water in the city. The tax imposed by this section shall be at the following rates of percentage of the charges made for such water and shall be paid by the person paying for such water. The term "charges," as used in this section includes charges made for (i) metered water, and (ii)

minimum charges for service, including customer charges, service charges, demand charges, standby charges, and annual and monthly charges. The tax imposed by this section shall be as follows:

- (1) Residential users: nine percent, effective January 1, 1997.
 - (2) Commercial/industrial users: nine percent, effective January 1, 1997.
 - (3) Effective December 11, 2008, or as soon thereafter as legally and practically possible ("Effective Date"), an additional one percent (1%) tax shall be imposed upon both residential and commercial/industrial users, resulting in the rate of ten percent (10%). The additional one percent (1%) tax shall terminate twenty-six (26) months from the Effective Date, returning the tax rate to nine percent (9%).
- (b) The tax imposed in this section shall be collected from the service user by the person supplying the water.
- (c) The term "using water," as used in this section, shall not include the mere receiving of water by a public utility or governmental agency at a point within the city for resale.

Sec. 50-218. Exemption for certain residential service users.

(a) The tax imposed by this article, including the temporary one percent tax imposed in subsections 50-204(a)(3), 50-205(a)(3) and 50-206(a)(3) herein, shall not apply during any calendar year to persons residing in the city who use telephone, gas, electric or water services in or upon the premises where their residential unit is situated and whose gross income from all sources whatsoever is as follows:

- (1) One person living alone in a housekeeping unit who has a gross income of less than \$12,768.00.
 - (2) Two persons living in a single housekeeping unit who have a combined gross income of less than \$13,762.00.
 - (3) Three or more persons living in a single housekeeping unit who have a combined gross income of less than \$15,250.00.
 - (4) Four or more persons living in a single housekeeping unit who have a combined gross income of less than \$19,599.00.
- (b) The gross income levels as set forth in subsection (a) of this section shall be adjusted effective July 1, 1986, and annually thereafter on July 1 of each succeeding year in a percentage amount equal to the change in the Consumer Price Index during the 12-month period for the Metropolitan Los Angeles-Anaheim-Riverside Area as published by the United States Bureau of Labor Statistics.
- (c) If a person has suffered an extreme financial emergency or if the payment of the tax imposed by this article shall cause any person undue hardship regardless of his gross income, the treasurer, upon the finding that such undue hardship exists, may exempt such person from the payment of such tax.

(d) In addition to the exemption provided in subsection (a) above, exemption from the temporary additional one percent (1%) tax increase shall be available to the following residential users:

- (1) Any legally disabled or blind individual with utility accounts in his or her name, and who resides at the service address.

(2) Any senior citizen age 62 or older with utility accounts in his or her name, and who resides at the service address.

(3) The exemptions provided in this subsection (d) (1) and (2) above shall be granted consistent with the terms and procedures found in the Gonsalves-Deukmajian-Petris Senior Citizens Property Tax Assistance Law (as defined in California Revenue and Taxation Code section 20501, et seq.). Proof of the State of California granting an exemption pursuant to this State law shall be submitted for said exemption.

(e) The exemption allowed in subsection (d) above applies only to the additional temporary one percent (1%) tax and shall apply only for the twenty-six (26) month period following the Effective Date. The exemption allowed in subsection (d) above does not allow for exemption from the tax rate established by subsections 50-204 (a), 50-205 (a) and 50-206 (a).

SECTION 2. The amendments enacted by this ordinance may only be amended or repealed by the approval of a majority of the voters voting on the provisions at any election.

SECTION 3. If any provision of this measure, or the application thereof to any person or circumstance, is held invalid by a final court judgment, it shall not affect other provisions or applications that can be given effect and, to that end, the provisions of this measure are severable.

SECTION 4. Enactment of this ordinance shall take effect only if approved by a majority vote of the voters voting at the General Municipal Election to be held on November 4, 2008, and shall become effective ten days after the City Council declares and certifies by resolution the results of the election and that the measure was approved by a majority of the voters voting thereon.

RESOLUTION NO. 2008-88

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA
SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS
REGARDING A CITY MEASURE, PROVIDING FOR THE FILING OF
REBUTTAL ARGUMENTS AND DIRECTING THE CITY ATTORNEY TO
PREPARE AN IMPARTIAL ANALYSIS**

WHEREAS, a General Municipal Election is to be held in the City of Pomona, California, on November 4, 2008, at which there will be submitted to the voters the following measure:

MEASURE ____. **The Pomona Utility Users Tax Temporary Increase Measure.** Shall a temporary one percent (1%) increase to the Pomona Utility Users Tax (UUT) be enacted for a period of two years and two months for the purpose of funding Citywide improvements and services, such as sidewalks, parks and public safety programs, and other general City services, resulting in an increase of the UUT from 9% to 10% and provide exemptions for disabled and senior citizens?

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, DOES HEREBY RESOLVE AND DECLARE AS FOLLOWS:

SECTION 1. That the City Council authorizes the proponent of the measure to file a written argument in favor of the measure, accompanied by the printed name and signature of the person submitting it, or, if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until **August 18, 2008**, after which no arguments for the City measure may be submitted to the City Clerk.

SECTION 2. In the event the proponent or his organized supporters fail to file a written argument in favor of the Measure, then the City Council authorizes, any member(s) of the City Council, to file written arguments for the City measure, as specified in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including **August 18, 2008**, after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 3. That the City Council authorizes, any member(s) of the City Council, to file written arguments against the City measure, as specified in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including **August 18, 2008**, after which no arguments for or against the City measure may be submitted to the City Clerk.

SECTION 4. That the City Council directs the City Clerk to transmit a copy of the measure

to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed by August 18, 2008 with the City Clerk for the filing of primary arguments.

SECTION 5. Pursuant to the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure, which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers by August 28, 2008. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

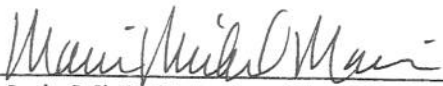
Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 6. That the provisions of this Resolution shall apply only to the election to be held on November 4, 2008 and shall then be repealed.


SECTION 7. The City Clerk shall attest to the passage of this Resolution, and it shall be in full force and effect upon its adoption.

APPROVED AND ADOPTED THIS 21ST DAY OF JULY 2008.

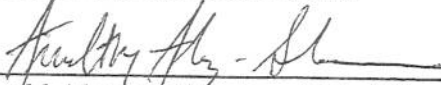
ATTEST:


Marie Michel Macias, City Clerk

CITY OF POMONA:


Norma Torres, Mayor


APPROVED AS TO FORM:


Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Pomona held on the 21st day of July, 2008 by the following vote:

AYES:	COUNCILMEMBERS:	Hunter, Rodriguez, Carrizosa, Lantz, Rothman, Atchley, Torres
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None


Marie Michel Macias, City Clerk